

Message Text

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UNCLAS SECTION 01 OF 02 GENEVA 6786/01

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TAGS: OCON, UN, PFOR, SHUM

SUBJECT: 5TH UN CONGRESS ON THE PREVENTION OF CRIME AND THE

TREATMENT OF OFFENDERS:

SEPTEMBER 2 - SUMMARY OF AM SESSION

BEGIN SUMMARY. DELS TO 5TH UN CONGRESS ON CRIME MET IN THREE SECTIONS TO DISCUSS TRANSNATIONAL CRIME; CRIMINAL LEGISLATION AND POLICE RESPONSE TO CHANGING FORMS OF CRIMINALITY. EXCEPT FOR VERBAL ATTACK ON U.S. BY CUBA MEETINGS WERE ROUTINE WITH VERY FEW INNOVATIVE IDEAS EXPRESSED. END SUMMARY.

1. SECTION 1 - CHANGES IN FORMS AND DIMENSIONS OF CRIMINALITY - TRANS-NATIONAL AND NATIONAL. SUB ITEM A - CRIME AS BUSINESS AT THE NATIONAL AND TRANSNATIONAL LEVELS. ORGANIZED CRIME, WHITE COLLAR CRIME AND CORRUPTION.

2. ITEM WAS INTRODUCED BY SECT ALONG THE LINES OF THE WORKING PAPER. USSR DEL (VIKTOROV) EMPHATICALLY OPPOSED ANY PLANS FOR INTERNATIONAL CONTROL OF CRIME. INTERNATIONAL ACTION WOULD VIOLATE THE PRINCIPLE OF SOVEREIGNTY. USSR IS AGAINST THE PROJECT OF A UNIFIED CRIMINAL CODE FOR EUROPE. ACCEPTED ONLY COOPERATION OF TWO OR MORE COUNTRIES IN DEALING WITH A SPECIFIC CRIMINAL CASES. ATTACKED THE CONCEPT THAT RAPID SOCIAL CHANGE (INDUSTRIALIZATION, UNCLASSIFIED

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URBANIZATION, MIGRATION) NECESSARILY CAUSES CRIME: IN SOCIALIST

COUNTRIES IT DOES NOT. OTHER EE COUNTRIES VOICED SIMILAR VIEWS.

3. DEL OF THE FEDERAL REPUBLIC OF GERMANY STRESSED ANTI-POLLUTION LEGISLATION IN HIS COUNTRY. DEL FROM THE PHILIPPINES SPOKE AGAINST EXPLOITATION BY SYNDICATES, PRICE FIXING. DEL FROM INDIA STRESSED THE ROLE OF WHITE COLLAR CRIME IN HIS COUNTRY.

4. DELEGATE OF THE FEDERAL REPUBLIC OF GERMANY STRESSED ANTI-POLLUTION LEGISLATION IN HIS COUNTRY. DELEGATE FROM THE PHILIPPINES SPOKE AGAINST EXPLOITATION BY SYNDICATES, PRICE FIXING. DELEGATE FROM INDIA STRESSED THE ROLE OF WHITE COLLAR CRIME IN HIS COUNTRY.

5. CONSIDERATION OF TRANSNATIONAL AND NATIONAL CRIMINALITY CONTINUED PM SEPTEMBER 2 WITH DISCUSSION OF ITEMS (B) OFFENCES INVOLVING WORKS OF ART AND (C) ALCOHOL AND DRUG ABUSE. EGYPTIAN AND SYRIAN REFERENCES TO DESTRUCTION OF CULTURAL MONUMENTS (NOT MOVEMENTS AS STATED IN GENEVA 6752) ALREADY REPORTED. MEXICO AND NIGERIA WERE ONLY OTHER SPEAKERS. ON ALCOHOL AND DRUG ABUSE USDEL (CLAWSON) SPOKE ALONG LINES OF POSITION PAPER. MOST OTHER DELS BY AND LARGE MAINTAINED THAT THEIR COUNTRIES RECOGNIZED PROBLEMS AND WERE TAKING EFFECTIVE ACTION TO COUNTER THEM. NOTABLE EXCEPTION WAS COLOMBIA WHICH GAVE EXTRAORDINARILY FRANK ACCOUNT OF DRUG TRAFFICKING AND CRIMINALITY ASSOCIATED WITH IT IN COLOMBIA. TURKEY RESPONDED TO SWEDISH ALLUSION TO RESUMPTION OF OPIUM GROWING IN TURKEY BY STATING THAT PRODUCTION BEING CAREFULLY REGULATED IN CLOSE COOPERATION WITH UN AGENCIES.

6. SECTION II - CRIMINAL LEGISLATION, JUDICIAL PROCEDURES, OTHER SOCIAL CONTROL. SUB ITEM C - THE ROLE OF THE CRIMINAL JUSTICE SYSTEM IN CRIME CONTROL.

7. IN INTRODUCTORY REMARKS SECT CONCLUDED THAT CRIME WILL CONTINUE TO EXIST EVEN AFTER THE CRIMINAL JUSTICE SYSTEMS ARE IMPROVED. HOWEVER, HE CALLED FOR REASSESSING CRIME AS A "SOCIAL PROBLEM" AND URGED THE ELIMINATION OF THE "NEGATIVE SIDE EFFECTS" OF THE CRIMINAL JUSTICE SYSTEM.

8. A NUMBER OF DELS REPORTED REVISIONS OF SUBSTANTIVE AND RPOCEDURAL CRIMINAL LAW. WITH REGARD TO SUBSTANTIVE REVISION, THERE UNCLASSIFIED

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APPEARS TO BE A TREND TOWARD DECRIMINALIZATION AND A GENERAL HOPE THAT DEVIANT BEHAVIOR CAN BE DEALT WITH IN ALTERNATIVE WAYS E.G., RECONCILING THE VICTIM AND OFFENDER IN ACCORDANCE WITH TRIBAL CUSTOM (TANZANIA); REFERRING JUVENILE OFFENDERS TO SOCIAL COUNCILS FOR REEDUCATION OR RESOCIALIZATION (POLAND, EAST GERMANY). WITH REGARD TO PROCEDURAL CHANGE NATIONS APPEAR TO BE PROCEEDING IN VERY DIFFERENT WAYS. FOR EXAMPLE, THE PHILIPPINES HAVE WRITTEN MIRANDA AND ESCOBEDO INTO THEIR LAW BUT TANZANIA IS ABOLISHING "TECHNICAL

RULES" WHICH CAUSE THE GUILTY TO GO FREE.

9. SOME NATIONS FOUND THAT THE CRIMINAL JUSTICE SYSTEM WAS CONTRIBUTING TO CRIME. TO PREVENT THIS, HUNGARY URGED A SIMPLIFIED CRIMINAL PROCEDURE; THE NETHERLANDS CALLED FOR ABOLITION OF THE PENAL SYSTEM, AND THE AUSTRALIANS SUGGESTED AN EXPANDED SYSTEM OF LEGAL AID TO ACCUSED PERSONS.

10. CUBA ATTACKED THE UNITED STATES INDIRECTLY 1) BY REFERRING TO AN ENEMY WHO HAD BEEN HARRASSING THEM AND THUS PREVENTING THEM FROM FOCUSING ON CRIMINAL JUSTICE REFORM AND 2) BY EXPOUNDING ON THE "COLONIAL, IMPERIAL," SYSTEM OF CRIMINAL JUSTICE WHICH THEY INHERITED AND WHICH THEY HAD TO ABOLISH.

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11. SECTION III - ROLES OF POLICE AND OTHER LAW ENFORCEMENT AGENCIES.

SUB ITEM C - POLICE RESPONSE TO CHANGING FORMS OF CRIMINALITY. SECT. CONSULTANT INTRODUCED TOPIC AND DISCUSSED THE NEED FOR POLICE TO BE MORE RESPONSIVE TO CHANGE AND MORE SOCIALLY ADAPTABLE. THIS BELIEF IS THAT SYSTEMS MUST CHANGE ALONG WITH THE COMMUNITIES. COMMUNITIES MAY EXPERIENCE CHANGE SEVERAL TIMES IN THE CAREER OF AN OFFICER. THE FOCUS MUST BE ON CHANGING PEOPLE -- NOT ONLY LAWS AND PROCESSES. THIS RAISED THE QUESTION HOW TO CHANGE RATHER THAN WHAT TO CHANGE.

DELS FROM SEVERAL COUNTRIES MADE INTERVENTIONS ON THIS TOPIC. DOMINANT THEME WAS THE NEED FOR POLICE TO BE MORE RESPONSIVE TO CHANGE, TO ACHIEVE GREATER SOPHISTICATION THRU EDUCATION AND TRAINING AND TO RECOGNIZE THAT OTHER AGENCIES OF GOVERNMENT ARE CONCERNED WITH THE ISSUE OF CRIME, NOT JUST THE POLICE. THE NEED TO EDUCATE THE COMMUNITY REGARDING THE CRIME PROBLEM AND THE ROLE OF THE POLICE WAS CONSIDERED TO BE EQUALLY IMPORTANT. SEVERAL DELS URGED THE NEED FOR GREATER COOPERATION BETWEEN MEMBER STATES AND THE EXCHANGE OF IDEAS.

CUBAN DELEGATE OPENED HIS REMARKS BY ASSERTING THAT
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CRIME IS A PRODUCT OF HISTORICAL CIRCUMSTANCES (ECONOMIC, ETC) AND THAT CUBAN CRIME "FLOURISHED" PRIOR TO THE 1959 REVOLUTION IN THE CLIMATE OF "U.S. COLONIALISM" DUE TO THE "CLASS DISTINCTIONS" AND "DISCRIMINATION AGAINST STUDENTS, THE POOR", ECT. INHERENT IN THE U.S. COLONIAL SYSTEM. HE CITED GAMBLING CASINOS AND PROSTITUTION AS EXAMPLES OF PRE-REVOLUTIONARY CRIME EXISTING LARGELY DUE TO SUPPORT BY "U.S. IMPERIALISTS" AND HAVING BROUGHT GREAT PROFIT TO THOSE IMPERIALISTS. CLAIMED SUPPRESSION OF THESE AS HAVING GREATLY REDUCED CRIME IN CUBA. THEN STATED THERE IS "NO DRUG TRAFFIC, WHITE COLLAR CRIME OR CURRENCY TRAFFICKING IN CUBA" DUE TO INTRODUCTION OF CRIME PREVENTION CONCEPTS (AS DISTINGUISHED FROM CRIME REPRESSION) INTO THE REVOLUTIONARY POLICE AND DUE TO THE INCREASING PUBLIC SOCIAL CONSCIENCE. DEL CONCLUDED BY SAYING THAT THE FINAL SOLUTION "FOR THE REMAINING FEW THOUSAND CRIMINALS" LIES WITH THE PERFECTION OF POLICE TECHNOLOGY AND SKILLS. SUB ITEM D - POLICE COMMUNITY RELATIONS. SEVERAL DELS STATED THAT POLICE MUST AVOID BECOMING DISTANT AND ISOLATED FROM THE COMMUNITY. SUGGESTED CRIME PREVENTION PANELS COMPRISED OF CITIZENS AND POLICE OFFICERS WHO WOULD IDENTIFY AND RESOLVE LOCAL PROBLEMS WHICH COULD LEAD TO NATIONAL POLICIES DESIGNED TO PREVENT CRIME. FBI DIRECTOR CLARENCE KELLEY STATED THAT BY CULTIVATING COMMUNITY TRUST AND SUPPORT, LAW ENFORCEMENT OFFICERS ARE BETTER ABLE TO SERVE ITS CITIZEN CONSTITUENCY THROUGH BETTER PERFORMANCE AND THROUGH THE REDUCTION OF CRIME.

12. SUB ITEM E - PRIVATE SECURITY ORGANIZATIONS. IN INTRODUCTOR REMARKS SECT. CONSULTANT STRESSED THE NEED TO EXERCISE CONTROL OVER PRIVATE ORGANIZATIONS. FOUR DELS INTERVENED ON THIS ISSUE. SEVERAL CITED

EXPERIENCES WITH THE DEVELOPMENT OF PRIVATE SECURITY
ORGANIZATIONS AND NOTED ABUSES WHICH DEVELOPED THE
NEED TO LEGISLATE STANDARDS IN RECRUITMENT AND
TRAINING. OTHER DELS VIEWED PRIVATE SECURITY
ORGANIZATIONS AS A THREAT TO THE POLICE AND AS HAV-
ING SERIOUS POLITICAL CONSEQUENCE, I.E., THE LOSS OF
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CONFIDENCE IN THE POLICE.DALE

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